

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:01-00184

SHAWN MICHAEL ARMSTRONG

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 26, 2011, the United States of America appeared by Meredith R. George, Assistant United States Attorney, and the defendant, Shawn Michael Armstrong, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a five-year term of supervised release in this action on May 11, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 11, 2002.

The court heard the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the federal and state offense of possession with intent to distribute marijuana for which he was arrested on November 15, 2010, the police officers having found three bags of marijuana which had been hidden on his person which aggregated 87 grams as more fully found by the court on the record of the hearing; and (2) that the defendant violated the standard condition that he not possess or distribute a controlled substance as evidenced by the conduct set forth above; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

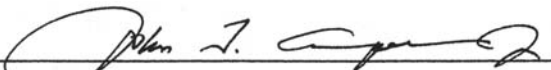
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY to be followed by a term of FORTY-EIGHT (48) MONTHS less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime. The court finds that a sentence of one year and one day is sufficient, but not greater than necessary to meet the goals of sentencing, taking into account the need for the sentence imposed to reflect the degree of seriousness of the offense in light of the relatively modest amount of marijuana involved, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct and to protect the public from further crimes of the defendant.

The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on February 25, 2011. The defendant shall remain on his previously executed bond with the added conditions that he immediately resume lawful, gainful employment and submit to frequent, random urine screens.

Recommendation: The court recommends that the defendant be designated to an institution as close to Philadelphia, Pennsylvania, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 28, 2011


John T. Copenhaver, Jr.
United States District Judge